

[Bracketed] material is that portion being deleted
Underlined material is that portion being added

BILL NO. _____

SUMMARY: A liquor and gaming ordinance to amend Title 8, Chapter 8.20, Sections 8.20.020.260, 8.20.020.265, and 8.20.020.270 to eliminate a package liquor license from the list of liquor license categories eligible in conjunction with a Drug Store, to add a new liquor license category for a Neighborhood Specialty Grocery Market which will be eligible for a package beer, wine and spirit based products license, to require both Drug Stores and Neighborhood Specialty Grocery Markets with a package beer or package beer, wine and spirit based products liquor licenses to limit retail space dedicated to the sale of package beer, wine and spirit based products to not more than 5% the total square footage measured in cubic feet not to exceed 150 cubic feet, and to limit sales of single containers of beer, wine and spirit based products by Neighborhood Specialty Grocery Markets, Convenience Stores and Drug Stores.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE FOR TO AMEND TITLE 8, CHAPTER 8.20, SECTIONS 8.20.020.260, 8.20.020.265, AND 8.20.020.270 TO ELIMINATE THE PACKAGE LIQUOR LICENSE FROM ELIGIBILITY IN CONJUNCTION WITH A DRUG STORE, TO ADD NEIGHBORHOOD SPECIALTY GROCERY MARKET TO THE LIST OF ESTABLISHMENTS ELIGIBLE FOR A PACKAGE BEER, WINE AND SPIRIT BASED PRODUCTS LIQUOR LICENSE; TO REQUIRE DRUG STORES AND NEIGHBORHOOD SPECIALTY GROCERY MARKETS WITH PACKAGE BEER OR PACKAGE BEER, WINE AND SPIRIT BASED PRODUCTS LIQUOR LICENSES TO LIMITE RETAIL SPACE OF ALCOHOL TO NOT MORE THAN 5% OF THE TOTAL SQUARE FOOTAGE MEASURED IN CUBIC FEET NOT TO EXCEED 150 CUBIC FEET; TO LIMIT INDIVIDUAL SALES OF BEER, WINE AND SPIRIT BASED PRODUCTS IN CONVENIENCE STORES, DRUG STORES AND NEIGHBORHOOD SPECIALTY GROCERY MARKETS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK,
STATE OF NEVADA, SITTING AS THE CLARK COUNTY LIQUOR AND

GAMING LICENSING BOARD, STATE OF NEVADA, DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1. Title 8, Chapter 8.20, Section 8.20.020.081 of the Clark County

Code is added as follows:

8.20.020.081 Neighborhood Specialty Grocery Market

(a) A "neighborhood specialty grocery market" means a business located in a building, or in a portion of a building which is segregated physically or spatially from the rest of the building, selling groceries at retail and having not less than one thousand two hundred square feet, nor more than six thousand square feet of floor space, exclusive of warehouse and office areas, devoted to the display of such groceries.

(b) Operating Requirements:

- (1) A neighborhood specialty grocery market must maintain at least one restroom available for public use during all hours the store is open for business;
- (2) A neighborhood specialty grocery market must also maintain more than 75 percent of its retail space dedicated to the sale of groceries;
- (3) A neighborhood specialty grocery market shall only operate during the hours of 8:00 a.m. and 9:00 p.m.

(c) A neighborhood specialty grocery market is eligible for a package beer, wine and spirit based products liquor license provided that the retail space dedicated to the sale of package beer, wine and spirit based products shall not be more than 5% the total square footage measured in cubic feet not to exceed 150 cubic feet; and provided that the sales of beer, wine or spirit based products in quantities of quarts, 22 oz., 32 oz., 40 oz., or similar size containers is prohibited; no beer, wine or spirit based product may be sold

in quantities of less than 6 per sale; and beer, wine and spirit based products in containers of 16 oz. or less cannot be sold in single containers, but must be sold in manufacturer pre-packaged multi-unit quantities;

(d) A neighborhood specialty grocery market is not eligible for the following licenses:

- (1) Gaming;
- (2) Amusement machine;
- (3) Auto wash detailing;
- (4) Service Station; and
- (5) Restaurant.

SECTION 2. Title 8, Chapter 8.20, Section 8.20.020.260 of the Clark County Code is amended as follows:

8.20.020.260 - Package beer.

A "package beer license" permits the sale of beer in un-opened original containers for off-premises consumption only. A package beer license may be granted only to a convenience store, tavern, main bar (except when issued in conjunction with a live entertainment venue), full bar when issued in conjunction with a regional commercial retail mall, resort hotel, liquor store, grocery store, [drug store] or gift shop.

SECTION 3. Title 8, Chapter 8.20, Section 8.20.020.265 of the Clark County Code is amended as follows:

8.20.020.265 Package beer, wine and spirit based products license.

A "package beer, wine and spirit based product license" permits the sale of beer, wine, and spirit based products for which the alcoholic content does not exceed seventeen

percent by volume or thirty-four proof and is clearly labeled as such, in unopened original containers for off-premises consumption only.

(a) A package beer, wine and spirit based product license shall be granted only to the following licensed businesses:

(1) A convenience store, provided that the sales of beer, wine or spirit based products in quantities of quarts, 22 oz., 32 oz., 40 oz., or similar size containers is prohibited; no beer, wine or spirit based product may be sold in quantities of less than 6 per sale; and beer, wine and spirit based products in containers of 16 oz. or less cannot be sold in single containers, but must be sold in manufacturer pre-packaged multi-unit quantities;

(2) A tavern;

(3) A main bar (except when issued in conjunction with a live entertainment venue);

(4) A full bar when issued in conjunction with a restaurant at a regional commercial retail mall;

(5) A resort hotel;

(6) A liquor store;

(7) A grocery store;

(8) A specialty merchandise store;

(9) A time-share facility;

(10) A drug store, (1) provided that the retail space dedicated to the sale of package beer, wine and spirit based products shall not be more than 5% the total square footage measured in cubic feet not to exceed 150 cubic feet; and (2)

provided that the sales of beer, wine or spirit based products in quantities of quarts, 22 oz., 32 oz., 40 oz., or similar size containers is prohibited; no beer, wine or spirit based product may be sold in quantities of less than 6 per sale; and beer, wine and spirit based products in containers of 16 oz. or less cannot be sold in single containers, but must be sold in manufacturer pre-packaged multi-unit quantities;

(11) A wine cellar business;

(12) A gift store;

(13) A supper club, provided that the sale of beer, wine, and spirit based products are recorded and included in the grocery to alcohol ratio as the sale of alcohol for all supper clubs;

(14) A hotel with not less than one hundred guest rooms, as defined in Section 8.20.020.140, provided that the packaged beer, wine and spirit based products are displayed within a locked cabinet accessible only to hotel staff and are sold only in unopened, original, and individual containers to hotel guests for off-premises consumption; or

(15) A neighborhood specialty grocery market.

(b) All package beer and wine establishments licensed prior to the convenience store restriction may be renewed so long as they remain otherwise eligible for licensure.

SECTION 4. Title 8, Chapter 8.20, Section 8.20.020.270 of the Clark County Code is amended as follows:

8.20.020.270 – Package liquor license

(a) A "package liquor license" permits the sale of alcoholic liquors in unopened original containers for consumption off-premises only.

(b) A package liquor license may be granted to gift stores, liquor stores in a regional commercial retail mall, liquor stores in resort hotels and time share facilities, grocery stores [and drug stores provided it is kept in an enclosed area as required in Section 8.20.282], main bars (except when issued in conjunction with a live entertainment venue), liquor stores, taverns, and to a convention facility licensed pursuant to Section 8.20.479(b) to permit the sale of gift wrapped "Nevada" or "Las Vegas" marked souvenir package liquor from portable bars during conventions, provided a separate license is obtained for each location from which such souvenirs are sold.

(c) Except for a package liquor license issued in conjunction with a regional commercial retail mall, a package liquor license shall not be granted to a package liquor store if the establishment is within a one thousand five hundred feet radius of an existing licensed package liquor store.

SECTION 5. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and publication thereof by title only, together with the names of the County Commissioners voting for and against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the ____ day of _____, 2010.

PROPOSED BY: Commissioner _____

PASSED on the ____ day of _____, 2010.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

THE LIQUOR AND GAMING
LICENSING BOARD OF CLARK
COUNTY, NEVADA

BY: _____
Chairman

ATTEST:

DIANA ALBA, County Clerk

This ordinance shall be in force and effect from and after the _____ day of _____, 2010.